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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

FEDERICO CERETTI, *et al.*,

Defendants.

No. 08-01789 (SMB)

SIPA LIQUIDATION
(Substantively Consolidated)

Adv. Pro. No. 09-01161 (SMB)

REPLY DECLARATION OF ANTHONY M. GRUPPUSO, ESQ.

Anthony M. Gruppuso, Esq. hereby declares as follows:

1. I am a member of the Bar of the State of New York and this Court, and counsel at Baker & Hostetler LLP, attorneys for the Trustee.

2. I am fully familiar with the facts set forth herein based either upon my own personal knowledge or information conveyed to me that I believe to be true. I make this Reply Declaration in further support of the Trustee's motion for entry of an Order: (i) compelling the production from defendants Kingate Global Fund, Ltd. ("Kingate Global") and Kingate Euro Fund, Ltd. ("Kingate Euro," and with Kingate Global, the "Funds") and defendants Kingate Management Limited ("KML"), FIM Limited and FIM Advisers LLP (collectively, "FIM"), Federico Ceretti and Carlo Grosso, and First Peninsula Trustees Limited, Port of Hercules Trustees Limited, Alpine Trustees Limited, The Ashby Trust, Ashby Holding Services Limited, Ashby Investment Services Limited, El Praela Trust, El Praela Group Holding Services Limited, and El Praela Trading Investments Limited (collectively, the "Trust Defendants" and with KML and FIM, the "Production Defendants") of all documents produced or exchanged in discovery in the Bermuda Action; and (ii) requiring the Production Defendants, and Ceretti and Grosso, The Ashby Trust and El Praela Trust (through their respective trustees), Citi Hedge Fund Services Limited ("Citi Hedge") and HSBC Bank Bermuda Limited ("HSBC Bank Bermuda") to confer with the Funds and the Trustee in accordance with Fed. R. Civ. P. 26(f) and participate in party discovery in this proceeding (the "Motion"), as referenced in the Trustee's Reply Memorandum of Law in further support of the Motion.

3. For the Court's convenience and ease of reference, true and correct copies of the following documents are attached:

- A. Attached hereto as **Exhibit A** is a true and correct copy of the Amended Statement of Claim dated February 13, 2012, submitted by the Funds in the Bermuda Action, as referred to in the Trustee's Reply Memorandum of Law.
- B. Attached hereto as **Exhibit B** is a true and correct copy of the Judgment on Preliminary Issues dated September 25, 2015, issued in the Bermuda Action, as referred to in the Trustee's Reply Memorandum of Law.
- C. Attached hereto as **Exhibit C** is a true and correct copy of an email sent by Eric Lazear dated December 12, 2008.
- D. Attached hereto as **Exhibit D** is a true and correct copy of *Woods Building Svcs. v. Milton Keynes Council* [2015] EWHC 2011 (TCC), dated July 14, 2015.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing statements made by me are true and correct.

Dated: May 31, 2016
New York, New York

/s/ Anthony M. Gruppuso
Anthony M. Gruppuso